

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Stanford L. Burris	:	
	:	
Plaintiff,	:	
	:	Civ. No. 04-1469-SLR
v.	:	
	:	
Richards Paving, Inc.	:	
	:	
Defendant	:	

**ANSWER OF DEFENDANT RICHARDS PAVING, INC.,
TO PLAINTIFF'S AMENDED COMPLAINT**

1. Upon information and belief, admitted.
2. Upon information and belief, admitted.
3. Upon information and belief, admitted.
4. Upon information and belief, admitted.
5. Upon information and belief, admitted.
6. Upon information and belief, admitted.
7. Upon information and belief, admitted.
8. Upon information and belief, admitted.
9. Upon information and belief, admitted.
10. Upon information and belief, admitted.
11. Upon information and belief, admitted.
12. Upon information and belief, admitted.
13. Defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.

14. Defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.
15. Defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.
16. Defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.
17. Denied.
18. Denied.
19. Defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.
20. Defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.
21. Defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.
22. Denied.
23. Denied.
24. Denied.
25. Denied.
26. Denied.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

27. The Complaint fails to state a claim upon which relief can be granted

SECOND AFFIRMATIVE DEFENSE

28. Plaintiff failed to mitigate his damages.

THIRD AFFIRMATIVE DEFENSE

29. Plaintiffs' claims are barred, in whole or in part, by the doctrines of laches, estoppel and waiver.

FOURTH AFFIRMATIVE DEFENSE

30. Plaintiffs' complaint fails to state a claim of disability discrimination.

FIFTH AFFIRMATIVE DEFENSE

31. Plaintiffs' claims are barred, in whole or in part, by the doctrine of statute of limitations.

SIXTH AFFIRMATIVE DEFENSE

32. Pursuant to 42 U.S.C. § 12113(a), plaintiff was not hired by Richards Paving for job related reasons and consistent with business necessity.

SEVENTH AFFIRMATIVE DEFENSE

33. Pursuant to 42 U.S.C. §12113(b), plaintiff posed a direct threat to the health and safety of other individuals in the workplace.

WHEREFORE defendant Richards Paving, Inc., demands that this case be dismissed with prejudice.

**ELZUFON AUSTIN REARDON
TARLOV & MONDELL, P.A.**

/s/ Matthew P. Donelson
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